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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 ERIC SHAMO, an individual,

Case No.

9 Plaintiff,

10 v.

11 UNITED STATES OF AMERICA, a sovereign
12 entity; DOE INDIVIDUALS I-X, inclusive; and
12 ROE CORPORATIONS I-X, inclusive,

COMPLAINT

13 Defendants.

DEMAND FOR JURY TRIAL

14 Plaintiff Eric Shamo complains against defendant United States of America as follows:

15 **THE PARTIES**

16 1. Plaintiff Eric Shamo is and was a resident of Clark County, Nevada for all times
17 relevant herein.

18 2. The United States of America is a sovereign entity that is properly named as a
19 defendant pursuant to 28 USC § 1346(b)(1).

20 3. Upon information and belief, Rommel Garcia is, and at all times mentioned
21 herein, was, an employee of the United States of America through the U.S. Department of the
22 Interior.

23 4. The true names and capacities of the defendants designated as Doe or Roe
24 Corporations are unknown to Plaintiff, who therefore sues those defendants by fictitious names.
25 When the true names and capacities of these defendants are ascertained, Plaintiff will seasonably
26 amend this Complaint.

5. For all times relevant, Defendants were agents, servants, employees, or joint venturers of every other Defendant and were acting within the scope and course of said agency, employment, or joint venture, with knowledge and permission and consent of all other named Defendants.

JURISDICTION AND VENUE

6. This Court possesses personal jurisdiction over Defendants because (1) Defendants' residence, domicile, and/or business activities and contacts in Nevada have been and continue to be so substantial, continuous, and systematic that the defendants are deemed present in the forum; and (2) the obligations, acts, and omissions complained of in this Complaint were incurred and committed, in whole or in part, in Nevada, and thus, Defendants have had sufficient minimum contacts with this forum such that the exercise of personal jurisdiction over them will not offend traditional notions of fair play and substantial justice.

7. This court possesses subject-matter jurisdiction over this matter because the United States is a defendant. 28 U.S.C. § 1331.

8. Venue is proper in this district because a “substantial part of the events” giving rise to the claim occurred in this district. 28 U.S.C. § 1391(b)(2).

GENERAL ALLEGATIONS

9. This complaint involves a motor vehicle collision that took place on August 6, 2020.

10. This incident occurred in the Lake Mead National Recreation Area.

11. At the time of the crash, Plaintiff Eric Shamo was riding his bicycle south on Lake Shore.

12. Plaintiff Eric Shamo was riding his bicycle on the shoulder of the roadway, outside the white line.

13. Rommel Garcia was driving a Ford F-150 with license plate number G414626U in the course and scope of his employment with Defendant United States of America.

14. The Ford was owned by Defendant United States of America.

1 15. Rommel Garcia struck Plaintiff Eric Shamo from behind with the Ford, causing
2 Plaintiff Eric Shamo to fall to the ground and rendering his bicycle inoperable.

3 16. Rommel Garcia admitted that the crash was his fault at the scene.

4 17. As a driver in Nevada, Rommel Garcia was obligated to know the rules of the road,
5 the traffic laws, and the driving practices that make the roads safe for all users.

6 18. Driving on Nevada roadways can be dangerous unless safety rules are followed.

7 19. Rommel Garcia's negligence has caused Plaintiff Eric Shamo to sustain physical
8 and emotional injuries, all or some of which conditions may be permanent and disabling, and all
9 to Plaintiff Eric Shamo's damages.

10 20. Rommel Garcia's negligence has required Plaintiff Eric Shamo to receive ongoing
11 medical care and other treatment for the aforementioned injuries.

12 21. Plaintiff Eric Shamo's injuries have limited his occupational and recreational
13 activities, which has caused Plaintiff Eric Shamo a loss of earning capacity, lost wages, physical
14 impairment, mental anguish, and loss of enjoyment of life. These damages are ongoing.

15 22. As a direct and proximate result of the aforementioned negligence of all
16 Defendants, Plaintiff Eric Shamo has been required to engage the services of an attorney,
17 incurring attorney's fees and costs to bring this action.

18 23. On June 3, 2022, Plaintiff Eric Shamo submitted a Standard Form 95 to Defendant
19 United States of America.

20 24. As of the filing of this complaint, Defendant United States of America has not
21 responded to Plaintiff Eric Shamo's claim.

22 25. Therefore, Plaintiff Eric Shamo has exhausted all administrative remedies.

23 **FIRST CAUSE OF ACTION**

24 26. Plaintiff Eric Shamo incorporates all prior paragraphs as though fully set forth here.

25 27. Rommel Garcia owed a duty of care to operate the Ford in a reasonable and safe
26 manner on the roadway.

1 28. Rommel Garcia breached his duty of care by crashing into Plaintiff Eric Shamo.

2 29. Plaintiff Eric Shamo has been damaged as a direct and proximate result thereof.

3 **DEMAND FOR JURY TRIAL**

4 30. Pursuant to FRCP 38, Plaintiff Eric Shamo demands a jury trial on the issues and
5 claims in this complaint.

6 **PRAYER FOR RELIEF**

7 Plaintiff Eric Shamo prays for judgment against Defendants as follows:

8 1. General damages sustained by Plaintiff Eric Shamo;
9 2. Special damages sustained by Plaintiff Eric Shamo;
10 3. Reasonable attorney's fees and costs;
11 4. Property damages sustained by Plaintiff Eric Shamo;
12 5. Interest at the statutory rate; and
13 6. Any other relief the Court deems just and proper.

14 Dated August 1, 2022.

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